

REMARKS**Summary of the Office Action**

In the Office Action dated March 26, 2004, the disclosure is objected because specification lacks a heading, on page 2, for the section claiming benefit to foreign priority. Claims 1-6 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,490,202 to Mackawa et al. (hereinafter "Mackawa"). Claims 1, 4, 6 and 7 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,864,766 to Chiang et al. (hereinafter "Chiang"). Claim 8 stands rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,535,274 to Braithberg et al. (hereinafter "Braithberg"). Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Mackawa in view of Chang. Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Braithberg in view of U.S. Patent No. 6,229,990 to Toshida et al. (hereinafter "Toshida").

Summary of the Response to the Office Action

Applicants have amended the specification to include a heading for the section claiming benefit to foreign priority. Applicants amend claims 6-7, add new dependent claims 10-12 and cancel claims 1-5 and 8-9 without prejudice or disclaimer. Accordingly, claims 6-7 and 10-12 are now pending in this application.

The Objection to the Specification

The disclosure is objected to because the specification lacks a heading, on page 2, for the section claiming benefit to foreign priority. Applicants have amended the specification to include a heading for the section claiming benefit to foreign priority. Specifically, Applicants

have amended the specification to include the heading “**CROSS REFERENCE TO RELATED APPLICATION**” immediately before paragraph [0001] on page 2. Accordingly, Applicants respectfully request that the objection to the disclosure be withdrawn.

The Rejections Under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a)

Claims 1-6 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Mackawa. Claims 1, 4, 6 and 7 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Chiang. Claim 8 stands rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Braithberg. Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Mackawa in view of Chang. Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Braithberg in view of Toshida.

Applicants amend claims 6-7, add new dependent claims 10-12 and cancel claims 1-5 and 8-9 without prejudice or disclaimer. Applicants respectfully submit no new matter is introduced by these amendments as they are supported by at least the disclosure at paragraphs [0057] to [0062] of the as-filed specification and by the depictions in FIGs. 7A-7D.

Applicants respectfully that the amended independent claim 6 recites a combination of features that are neither suggested nor taught by the applied references. For example, independent claim 6 recites a cellular phone combination that includes the following features:

a battery removably installable so as to be contacted with the phone body via first contact terminals; a memory provided between the phone body and the battery so as to be put into contact with the phone body via second contact terminals when the battery is installed to the phone body; and a memory access circuit provided in the phone body and permitting access to the memory from the phone body.

In view of the foregoing, Applicants respectfully submit that neither Maekava nor Chiang, whether taken singly or in combination, teach or suggest the cellular phone combination

of independent claim 6, as amended. As pointed out in MPEP § 2131, “[to] anticipate a claim, the reference must teach every element of the claim.” Thus, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art of reference. Verdegaal Bros. V. Union Oil Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).” Thus, Applicants respectfully submit that independent claim 6 is in condition for allowance as not being anticipated by Mackawa and Chang, whether singly or in combination. Moreover, Applicants respectfully submit that dependent claim 7 should be allowed for at least the same reasons as set forth above with regard to independent claim 6, and for the additional features that it recites. Moreover, the rejections of claims 1-5 and 8-9 have been rendered moot by the cancellation of these claims as set forth above. Applicants further submit that neither Braithberg nor Toshida have been applied by the Office Action against the subject matter in claims 6-7. Nevertheless, Applicants respectfully submit that Braithberg nor Toshida fail to cure the deficiencies of Mackawa and Chiang with regard to claims 6-7. Accordingly, Applicants respectfully request the withdrawal of the rejections of claims 1-9 under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a).

New Claims 10-12 are Patentable

Applicants have added new claims 10-12. Applicants respectfully submit that no new matter is being introduced by these new claims as they are supported by the as-filed specification and drawings. Applicants respectfully submit that new claims 10-12 are allowable over the art of record, and because of their dependence from independent claim 6.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration, withdrawal of all rejections and objections, and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

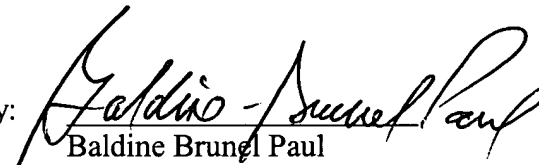
If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: June 28, 2004

By:


Baldine Brunel Paul
Registration No. 54,369

Customer No. 09629

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Telephone: (202) 739-3000

Facsimile: (202) 739-3001